

Willoughby's errant Parish Clerk

David Bailey

Matthew Bailey was the Parish Clerk at Willoughby on the Wolds in 1770, when he married Elizabeth Jacob. He was 41 and possibly starting his second marriage. Elizabeth gave birth to two children, Sarah in 1771 and John in 1773. (More details in 'Bailey's Croft', page 6).

The following year on Friday 14th January 1774 a report appeared in the *Derby Mercury* stating that Matthew had been committed to the County Gaol, accused with stealing two sheep, 'the property of Mr Woodruff of Costock'. The report went further stating that 'he has long been suspected of being a sheep-stealer' and that more joints of mutton had been found stored at his house. A week later an entry in the *Police Gazette* described Matthew as being 'forty-five years of age, five feet eight inches high and born at Willoughby in Nottinghamshire'.



The County Gaol adjoins Shire Hall on High Pavement in Nottingham and dates from the late eighteenth-century. There has been a gaol on this site since 1449, but in 1769 it was redesigned and built with a police station, court rooms and gaol so that an individual could be arrested, tried and executed in the one place. The building was completed in 1772 but it was noted that the stone-mason had mis-spelled the word 'Gaol' over the prison doorway and incorrectly put 'Goal'. This was corrected (see photograph) but it would seem that newspaper printers carried on the error at the *Derby Mercury*. The gaol closed in 1878 but criminal and civil courts continued at Shire Hall until 1991. The building is now the National Justice Museum.

Top: Shire Hall and County Gaol in 1995.

Bottom Doorway with corrected spelling, 1995.

Thursday last Matthew Bailey, Parish Clerk of Willoughby in Nottinghamshire, was committed to their County Goal by William Bilbie, Esq; charged on Oath with feloniously stealing two Sheep, from Thorpe Lordship, the property of Mr. Woodruff of Costock. He has long been suspected of being a Sheep-stealer, and on searching his House, four Legs, two Shoulders, four Breasts, three Necks, and one Loin of Mutton were found, all salted in a large Vessel fit for that Purpose concealed in his Chamber.

Report in Derby Mercury Friday 14th January 1774.

Matthew remained in the gaol until the beginning of April when the Lent Assizes took place at Nottingham. He was tried, convicted and sentenced to death. A huge number of offences carried the death penalty at that time including burglary and the theft of sheep, cattle and horses. Matthew was reprieved. Whether this was due to his status in the community or having friends in high places we will never know, but his sentence was commuted to one of transportation for life.

Transportation had been used as a punishment since the seventeenth century. James I granted pardons to condemned prisoners on condition that they were banished for life to the New World. A century later, with rising levels of crime, the Transportation Act was passed in 1718. This enabled the banishment to America of felons convicted of non-capital crimes for a period of seven or fourteen years. Those convicted of capital crimes and reprieved could be banished for fourteen years or life. In addition, the early return from banishment became a capital offence.

At Nottingham Assizes three persons received sentence of death, viz. Joseph Shaw, for burglary and felony, in the house of Mr Topott of Nottingham, from which he took divers quantities of gold and silver coin, a gold watch, and a note for seven pounds and six-pence; Richard Wheatley, found guilty of felony, and also of returning from transportation before the time was expired for which he was transported; and Matthew Bailey, for sheep-stealing.—The two former were left for execution, and the latter reprieved.

Report in Leeds Intelligencer Tuesday 5th April 1774.



Map of the Chesapeake area of Maryland and Virginia in 1685.

The mechanics of transportation were also stipulated by the government. A subsidy of three pounds per head was paid to contractors to transport convicted felons to the Chesapeake area of Maryland and Virginia and to arrange their sale as servants to the local settlers. Between 1718 and the start of the American Revolution in 1775, 50,000 felons were transported and sold as servants in the Chesapeake area. The practice was opposed by many settlers who resented what they saw as the mother country unloading its cast-offs on them. Benjamin Franklin, a founding father of the United States, famously suggested that Americans should retaliate by collecting all their rattlesnakes and shipping them over to England.

Following sentence Matthew was handed over to contractors who were now required to sign bonds and produce landing certificates as proof of delivering their cargo of felons to America. Conditions on board for the 3000-mile, eight-week voyage varied considerably. Ships differed in size but most were old and often retired war-ships. Holds were crammed with the human cargo. Food was sparse and disease rife. Details of Matthew's voyage and where he was landed have not been found, but we do know that he was sold as a servant to a Samuel Morris, who was a brewer near Baltimore town in Maryland. The next reference to him came at the end of November 1774. The advertisement reproduced on the next page appeared in *The Maryland Journal*.

Matthew had run away from his master Samuel Morris. The Chesapeake newspapers of the time were full of advertisements for runaway convict servants. Most offered a reward for their return and in cases where the runaway had taken a horse the reward for the return of the horse was usually higher than for the servant.

Whether his escape was planned or opportunistic is unknown. With the onset of winter, it would not have been an ideal time to be on the run. The majority of runaways made for the coast in the hope that they could persuade a ship's master to give them passage back to England. Matthew would have been acutely aware of what happened to fellow prisoner Richard Wheatley

TEN DOLLARS Reward.

Baltimore, November 28, 1774.

RAN away, last night, from the subscriber, living near the Blue Ball, a convict servant man, named Matthew Bailey, (though perhaps he may change his name) he is a stout well made fellow, about 45 years of age, 5 feet 7 or 8 inches high, of a fresh complexion, has grey eyes, and straight yellow hair! Had on and took with him, a light coloured coat, a claret coloured jacket, which buttons at the wrist with a leather button, dirty leather breeches, brown yarn ribbed stockings, old shoes, with nails in the heels, steel buckles, a large brim felt hat, one of snabrig shirt, Russia sheeting ditto, and a match-coat blanket.—Whoever takes up the said servant man, and secures him, so that his Master may have him again, shall receive if taken 20 miles from home, 5 dollars; if 20, 8 dollars; and if out of the province, the above reward, and reasonable charges if brought home, paid by John Bacon, in My Lady's Manor, near the Chapel, or

SAMUEL MORRIS.

at Nottingham Assizes, who received the death sentence for his early return from transportation.

All these life-changing events had taken place in the space of a year, but how had life changed for his wife Elizabeth and the two infant children left behind at Willoughby? They were destitute and reliant on poor relief from fellow parishioners. Surviving overseer's accounts for the parish state that she received the sum of 9d weekly plus a periodic payment of 8d for a load of coal. The accounts also show that the payments to Elizabeth ceased in 1786, twelve years after Matthew's transportation. Luckily her situation had changed for the better. She had met someone else. The parish register records the marriage of Elizabeth Bailey to John Savage at Willoughby on December eighteenth 1786. They were both said to be 'of the parish' and interestingly no marital status is given. Elizabeth made her mark in the register as she had

on her marriage to Matthew in 1770. The following year their daughter Mary was baptised at Willoughby on September 22nd 1787. No further evidence of them was found at Willoughby so it is possible that they moved to East Leake where Mary later married.

Transportation to America officially ceased the following year in 1775 when the American Revolution broke out. England then had to find an alternative destination for banishment. In 1786 it was decided that Botany Bay, on the east coast of Australia, would be the ideal location. It was 15,000 miles away which ensured that there was little likelihood of felons ever returning to England.

Details of Matthew's imprisonment, trial and subsequent handover for transportation are sparse and limited to newspaper reports as all documents prior to 1800, which constituted Assize Court records for the Midland Circuit, had been destroyed. To date only a small number of eighteenth-century journals appear in the British Newspaper Archive so it is hoped that with the digitisation of Nottinghamshire and Leicestershire newspapers more detail will be revealed.

An excellent source for further information on transportation and servitude in the American Colonies, during that period, can be found in the book by A. Roger Ekirch *Bound for America*. In this study he highlights possible destinations for runaway convict servants. Out of 300 he researched, nearly 70 percent boarded ships, 15 percent headed for Philadelphia and New York City, with the remainder spread among sites in Maryland, Virginia and the Carolinas.

We may never discover what happened to Matthew after he ran away from Samuel Morris, but probability could indicate a return to England.

Relevant sources

References to Matthew can be found in two books by Peter Wilson Coldham
Complete Book of Emigrants in Bondage 1614–1775
The King's Passengers to Maryland and Virginia.

A. Roger Ekirch *Bound for America: The Transportation of Convicts to the Colonies 1718–1775*.